HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO :35817 of 1998

Dated 18th April, 2007

Between

R.S. Basappa

…Petitioner

and

The Commissioner, Adoni Municipality, Adoni,
Kurnool District.

…Respondent.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 35817 of 1998

ORDER:

In this Writ Petition, the petitioner seeks Writ of Mandamus to declare the action of the respondent in taking steps to lay road, and, drinking & drainage pipe lines through his land in Sy.No. 381 of Mandagiri village in Adoni, Kurnool District as illegal and arbitrary.

In the affidavit filed in support of the Writ Petition, it is stated that the petitioner is the owner of an extent of Ac.1.80 cents covered by Sy.No. 381 of Mandagiri village in AdonI, Kurnool District. It is stated that on the representation of the residents who are residing on the banks of Mandagiri Stream, the respondents are taking steps to lay six feet wide road and also water and drainage pipe lines through the private patta land of the petitioner. It is the grievance of the petitioner

that as much as there is no acquisition of the above said land, the respondents have no authority to deprive him of his land other wise than by due process of law.

At the stage of admission, this Court by order dated 24-12-1998 directed the respondents not to lay any road on the land belonging to the petitioner in Sy.No. 381 of Mandagiri village, except in accordance with law, and, the said order continued all along.

Though the Writ Petition is of the year 1998, no counter affidavit is filed.

As much as it is the case of the petitioner that the land in question is the private patta land of the petitioner, and, in absence of any counter affidavit controverting the allegations of the petitioner, I dispose of the Writ Petition directing the respondents not to lay any road and water & drainage pipe lines through the land in question of petitioner, without following due process of law.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

-

JUSTICE R. SUBHASH REDDY

DATE: 18-4-2007.
Msnr.